

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In Re:

	:	Case No: 08-15319-RGM
Cathy Alphena Harris,	:	Chapter 13
	:	
Debtors.	:	

Cathy Alphena Harris,	:	Adv. Proc: 13-01150
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
E*Trade Bank, FSB	:	
and	:	
CLO Consumer Services Co.,	:	
and	:	
Thomas P. Gorman, as Trustee,	:	
	:	
Defendants.	:	

DEFAULT JUDGMENT ORDER

Upon consideration of the Plaintiff's Motion for Entry of Default Judgment, the failure of the Defendant to file any response to the Complaint or Motion; the Court finding that the amount of the lien of the properly perfected first trust exceeded the current value of the real property at issue at the time of filing so that there is no equity whatsoever for the second trust to attach and therefore the second trust is wholly unsecured, it is hereby

ORDERED that the Plaintiff's Motion for a Default Judgment is granted, and it is further

ORDERED that E*Trade Bank, FSB and CLO Consumer Services Co. does not hold a secured claim, and, unless the Chapter 13 Case No: 08-15319, by Cathy Alphena Harris is hereafter dismissed or converted, the lien of the certain deed of trust from Cathy Alphena Harris to E*Trade Bank, FSB and CLO Consumer Services Co. shall be and hereby is declared void as it affects the real estate located at 631 Barnes St. NE, Washington DC 20019 and more fully described as follows:

Part of Lot 39 in Square Fifty Hundred Fifty Six (5056) and Lot 1 in Square 5043 in a Subdivision made by Trust for Public Land as Per Plat Recorded in Liber No. 183 at Folios 108 and 109, Respectively in the Office of the Surveyor for the District of Columbia.

The part of land conveyed being more particularly designated as Unit No. 631 Barnes Street, N.E. of Parkside Townhome, a Condominium, according to the Declaration of Condominium dated April 15, 1992, and recorded April 15, 1991, as Instrument no. 51506, as further amended by Second Amendment to Condominium, dated December 14, 1992, as Instrument No. 73410, as further Amended by third amendment to Declaration of Condominium for Parkside Townhomes, a Condominium, dated June 14, 1993, and August 5, 1993 as Instrument 51258, as further amended by fourth amendment to Declaration for Condominium for Parkside dated August 9 1993, and recorded August 9, 1993, as instrument no. 51878 and further amended by fifth amendment to Declaration for Condominium for Parkside dated December 2, 1993, and recorded December 6, 1993, as instrument no. 82977 and further amended by sixth amendment to Declaration for Condominium for Parkside dated June 17, 1994, and recorded June 21, 1994, as instrument no. 51984 and further amended by seventh amendment to Declaration for Condominium for Parkside dated November 29, 1994 and recorded December 2, 1994, as instrument no. 94626 and further amended by eight amendment to Declaration for Condominium for Parkside dated December 29, 1994, and recorded December 29, 1994, as instrument no. 101579.

It is further

ORDERED that this shall be effective only upon successful completion and discharge of the subject Chapter 13 bankruptcy case; that E*Trade Bank, FSB and CLO Consumer Services Co. shall release their recorded deed of trust against Cathy Alphena Harris real property located at 631 Barnes St. NE, Washington DC 20019 within 30 days of the Debtor's Notice of Completion of Chapter 13 Plan and/or Discharge of Debtor; that E*Trade Bank, FSB and CLO Consumer Services Co. filed proof of claim, if applicable, is to be treated as an unsecured debt that may receive a dividend as an unsecured creditor under the Chapter 13 Plan; that E*Trade Bank, FSB and CLO Consumer Services Co. will retain its lien on any surplus proceeds from a potential foreclosure sale by the senior lien holder prior to the Debtors' completion of their Chapter 13 Plan and entry of their Chapter 13 discharge; that each party will bear their own attorney's fees and costs in the adversary proceeding.

Date: Dec 4 2013

/s/ Robert G. Mayer

Robert G. Mayer

U.S. Bankruptcy Judge

I ASK FOR THIS:

Entered on Docket: December 4, 2013

/s/ Alisa Lachow-Thurston

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Chapter 13 Trustee

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